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Brett Schoel

From: Brett Schoel
Sent: Friday, May 12, 2017 2:59 PM
To: Kelly Mortensen
Cc: Lynetta Goodwin; Douglas C Fladseth; Douglas C. Fladseth Esq.
Subject: Re: Gutierrez - Joint Case Management Statement

Doug,

I read your Stipulation and JCCR. We have a serious misunderstanding as to what we previously agreed. I cannot sign either document and we will need to file separate case conference reports. As all of my prior emails state, I was under the impression we were going to file a motion/stipulation to vacate the trial date and all of the current deadlines until the new parties were brought in. I never agreed to simply continue the discovery deadline nor would I ever agree to that. First, the Court is unlikely to grant that. Second, this will not give us time to file dispositive motions (and the Court is not going to extend that deadline) so I cannot agree to it. Third, I would never have agreed to extend the discovery deadline so you could bring a new cause of action against the hospital. Not once in all of the prior written communications from you did you ever mention bringing a new cause of action against the hospital. I think this was very underhanded of you. Furthermore, I do not think the Court will grant the request because the first thing I am going to do is file a motion to dismiss any new cause of action for fraud. Therefore, there is no way the pleadings can be settled in time for an October trial date.

I will not stipulate to continuing only the current discovery deadline and I will not sign a JCCR that says I will. If you want to vacate the trial date and reset all of the deadlines, I will do that. Also, I do not stipulate to you bringing a new cause of action against my client. Of course, you have every right to bring a motion to do that and we will oppose it.

Sent from my iPad

On May 12, 2017, at 11:15 AM, Kelly Mortensen <dcfsecretary1@gmail.com> wrote:

Lynetta,

Attached is a draft of the Joint Case Management Statement due today. Please let us know Mr. Schoel's thoughts as soon as he is able to review it.

Thank you!

Kelly J. Mortensen

Assistant to Douglas C. Fladseth

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<gutierrez Joint_CMC_Statement for 5-19-17.docx>